

Robert L. Morgan, P.E.
State Engineer
1594 West North Temple, Suite 220
Box 146300
SLC UT 84114-6300

July 14, 1997

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**WATER RIGHTS
SALT LAKE**

Re: Water Commissioner Recommendations

Dear Mr. Morgan,

The following is my response to the questions you posed to those in attendance at the June 26th meeting on appointment of a Water Commissioner for Big and Little Cottonwood Canyons, Millcreek Canyon, and Parley's Canyon.

I do not represent a water company or system. I am the owner of the old Maxfield Lodge which serves as the distribution center for water to the lodge and six cabins in the Mule Hollow area. This is a private water system which has been serving this area since the early 1930s.

Question #1 - What does your system need; what do you expect from the Division of Water Rights.?

As we are a small private system, our needs are minimal. Perhaps the greatest need has already been satisfied by the action to appoint a water commissioner who will be independent of Salt Lake City. This will allow for a more even playing field when it comes to water issues. Given that the water commissioner will be a quasi employee of the State Engineer's office also give's me some assurance that the State Engineer will now be able to take a more active role in the management/oversight of water issues in Big Cottonwood Canyon.

Question #2 - What should be the role of the Water Commissioner, for example, should the Water Commissioner have direct hands-on responsibility for headgates?

Though I am unaware of any involvement our community might have with the issue of headgates, I would expect the water commissioner to ensure that water is distributed/taken in accordance with decreed rights, exchange agreements, etc. I suppose that inspecting headgates and measuring devices could be handled by local system water masters with

affidavits filed with the water commissioner. The water commissioner would have the authority to spot check or follow-up on complaints as needed.

Question #3 - How should headgates and measuring devices be maintained and who should take readings?

Maintenance should be the responsibility of the individual system users or water companies. Again, water readings could be taken by the various water masters with periodic reports filed with the water commissioner. Perhaps the water commissioner or his deputies should take a beginning and ending reading each year with interim readings being taken and reported by the water masters.

Question #4 - Who will be responsible for actual delivery of water?

It seems reasonable that individual system water masters would have the first line of responsibility with the water commissioner being involved when complaints arise about the performance of the water master.

Question #5 - Who will be accountable for seeing that everyone gets their appropriate allocation of water? Who do you call if you need some extra water?

Again, it seems reasonable for the water masters to have the first line of responsibility with the water commissioner or the State Engineer's office getting involved only if the water master's performance is brought into question. However, all requests for extra water should go through the water master.

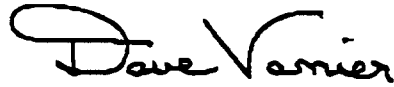
Question #6 - How many commissioners or deputies are needed?

I have no experience in this area. I suspect that there is some reasonable level of staffing required based on the size of the system. My initial thought is that there should be one water commissioner with several deputies simply from a sense that this would be more cost effective.

Question #7 - How should the system be financed? I recommend that the costs be shared pro rata based on the size of the right and not on the actual use. In the case of cites this would account for their claim of water for future use even though there is no current actual end user.

Given my lack of experience in these matters, I suspect that some of my responses might seem a little naïve. However, I wanted to be responsible in this matter and participate in the process. In my case, I will have to rely on the judgment of more experienced people such as yourself and members of your staff.

Sincerely,

A handwritten signature in cursive script that reads "Dave Vanier". The signature is fluid and written in dark ink.

Dave Vanier

ROBERT L. MORGAN
STATE ENGINEER